

MINUTES OF THE CLINTON INDUSTRIAL AUTHORITY, MAY 20, 2008

Minutes of a regular meeting of the Chairman and Trustees of the Clinton Industrial Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, May 20, 2008 at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on May 16, 2008.

Chairman Norman called the meeting to order with the following present;

CHAIRMAN: Lynn Norman

TRUSTEES: Mark Hendrickson, Terry Wheeler, Allen Bryson, Bob Marcy

CITY MANAGER: Grayson Bottom

CITY CLERK: Lisa Anders

CITY TREASURER: Debra Blanchard

DEPUTY CLERK: Rhonda Williams

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green

OTHERS: Gene McCullough, David Crabtree, Arnold Adams, Charles Fry, Rod Serfoss, Ron Stephenson, Leroy Livesay, Brad Aneshansley and others.

Chairman Lynn Norman opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of May 6, 2008 meeting

Moved by Trustee Marcy and seconded by Trustee Wheeler, that Consent Agenda Item No. 3 (a) be approved.

Chairman put the motion to a roll call vote:

Aye: Marcy, Wheeler, Hendrickson, Bryson, Norman

Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER CONSTRUCTION AGREEMENT BETWEEN THE CITY OF CLINTON AND WAL-MART

City Manager Grayson Bottom explained that part of the agreement for the sale of land for the future site of Wal-Mart included a construction agreement with the City of Clinton. He said the terms had all been agreed to verbally but this formalized the agreement. The agreement confirms that the City of Clinton will provide an access road and water and sewer lines to the site. Assistant City Attorney Ryan Meacham has worked with Wal-Mart's attorneys to finalize the agreement.

Assistant City Attorney Ryan Meacham said the agreement obligates the construction of the road between the future Wal-Mart site and Interstate 40. He said there is no obligation until Wal-Mart gives the Notice to Proceed.

Trustee Hendrickson asked about an indemnification clause.

Meacham said it is based on the Tort Claims Act.

Terry Haynes, representative of SMC Consulting Engineers for Wal-Mart said they are excited about the placement of a Super Center in Clinton. He said the typical time frame for a project of this size is ten to eleven months from start of construction.

Motion was made by Trustee Marcy and seconded by Trustee Wheeler to approve the Construction Agreement between the City of Clinton and Wal-Mart.

Chairman put the motion to a roll call vote:

Aye: Marcy, Wheeler, Hendrickson, Bryson, Norman
Nay: None

Chairman declared the motion carried.

4B. CONSIDER SIGN LOCATION LEASE AGREEMENTS WITH LAMAR COMPANY

City Manager Grayson Bottom explained that Lamar Company has two billboards on the city property located between Red Wheat Drive and South 28th and Chapman Road. Lamar has offered a lease agreement on the property for each of the two sites for a ten year period at \$1,350.00 per location per year. The agreement also includes provisions for future development or sale of the land.

Assistant City Attorney Ryan Meacham said there was concern regarding the city's intent for the property. A revision conveyance through the City Manager was included in the lease to allow for notice and termination of the lease at will.

City Manager Grayson Bottom said the company will reconstruct the one sign and wanted a ten year lease to allow them to recover their investment in the sign. He said they know the City intends to develop the land in the future and will be given the opportunity to deal with the new owner if the property were to ever sell.

Trustee Hendrickson asked if this is a good lease then why not make it longer than ten years.

City Manager Bottom said he was comfortable with a ten year lease.

Motion was made by Trustee Marcy and seconded by Trustee Wheeler to approve the Sign Location Lease agreement with Lamar Company.

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Chairman put the motion to a roll call vote:

Aye: Marcy, Wheeler, Bryson, Hendrickson, Norman
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO .5: CITY MANAGER'S REPORT

None

AGENDA ITEM NO. 6: RECOGNITION OF REGISTERED AUDIENCE

None

AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Trustee Bryson and seconded by Trustee Marcy that the meeting adjourn.

Chairman put the motion to a roll call vote

Aye: Bryson, Marcy, Hendrickson, Wheeler, Norman
Nay: None

Chairman declared the meeting adjourned at 6:00 pm.